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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,407	10/11/2005	Richard A. Hager	209546-97839	9494

44200 7590 07/03/2007
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EXAMINER

PENDLETON, DIONNE

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,407

Applicant(s)

HAGER ET AL.

Examiner

Dionne H. Pendleton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are ^{Cancelled} withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1, 2, 4, 5, 7, 9-13 and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by **Abdallah (US 5,273,243)**.

Regarding claim 1,

In **Figures 9-12**, Abdallah teaches a trim panel **82** having an inner surface and a generally continuous outer surface; an attachment member **76** integrally formed with said inner surface; and an acoustic device **68** capable of being mated to said inner surface of said trim panel, wherein said attachment member **76** includes a ramp surface (*see outward extending tab portion of flange "76" in Figure 11*) such that rotation of said acoustic device draws said acoustic device toward said trim panel, *see column 4, lines 57-65*.

Regarding claim 2,

In **Figures 11 and 12**, Abdallah teaches that an upper surface of said device is generally planar to said inner surface of said trim panel when said device is mated to said trim panel.

Regarding claim 4,

In **Figure 11**, Abdallah teaches that said attachment member **76** includes at least one generally L-shaped mounting portion defining said ramp surface.

Regarding claim 5,

In **Figure 9**, Abdallah teaches that said attachment member **76** includes two diametrically opposed generally L-shaped mounting portions to define said ramp surface, *see column 4, lines 46-48*.

Regarding claim 7,

In *column 4, lines 65-66*, Abdallah teaches that said device is rotated clockwise along said ramp surface away from said trim panel.

Regarding claim 9,

Abdallah teaches that said attachment member **76** includes at least one detent (*formed by outwardly extending tab of the flange member*) and said device includes at least one corresponding recess (*see recessed portion between the speaker frame and mounting flange "70"*) for receiving said detent to fixedly attach said device to said trim panel.

Regarding claim 10,

Abdallah teaches that said at least one detent is integrally formed on said inner surface of said trim panel.

Regarding claim 11,

Abdallah teaches that said device includes at least one detent (*see area between the speaker frame and mounting flange "70"*) and said attachment member includes at least one corresponding recess (*created by outwardly extending tab portion*) for receiving said detent to fixedly attach said device to said trim panel.

Regarding claim 12,

In **figure 9**, Abdallah teaches that said trim panel includes two diametrically opposed detents (*see flange tabs "76"*) and Abdallah teaches that the recessed portion between mount flange "70" and the speaker frame is continuous, thereby reading on "said device includes two diametrically opposed recesses", for receiving said detents to fixedly attach said device to said trim panel.

Regarding claim 13,

Abdallah teaches that said inner surface of said trim panel is generally continuous.

Regarding claim 14,

Abdallah teaches in **Figure 11**, that the area between mount flange "70" and the speaker frame is open to receive tab "76", which reads on "said device has an opening to receive said attachment member".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 6,8 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abdallah (US 5,273,243)**.

Regarding claim 6,

Abdallah teaches the assembly according to claim 1. Abdallah does not explicitly teach that the device is rotated counterclockwise along said ramp surface toward said trim panel. However, the Examiner takes *Official Notice*, that it is well known in the art and would have been obvious to construct the device such that it is secured to the trim panel via counterclockwise rotation or clockwise rotation, as either represents an alternate design choice.

.Regarding claim 8,

Abdallah teaches the assembly according to claim 1. Abdallah does not explicitly teach that said attachment member defining said ramp surface is generally arcuate in shape. However, the Examiner takes *Official Notice*, that it is well known in the art and would have been obvious to alter the ramp surface of Abdallah such that it has any variety of reasonable mating configuration including arcuate, rectangular, etc., as an alternate

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design choice, since either configuration would cooperate to rotateably engage and secure the mount flange "70" of the speaker to the trim panel.

Regarding claim 15,

Abdallah teaches the assembly according to claim 14. Abdallah does not explicitly teach that said opening further includes a pair of diametrically opposed cutouts to receive said attachment member. However, the Examiner takes *Official Notice*, that it is well known in the art and would have been obvious to construct the mount flange "70" of Abdallah such that it includes a cover housing with cutouts for engaging flange tabs "76", as an alternate design choice, since either configuration would cooperate to secure the speaker device to the trim panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne H. Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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